

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health

Rule No. 580-5-30-.10

Rule Title: Contracted Intellectual Disabilities Services

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Debbie J. Popwell

Date 9/18/20

Alabama Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: 580-5-30-.10 Contracted Intellectual Disabilities Services

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Developmental Disabilities Division of the Alabama Department of Mental Health proposes to amend Chapter 580-5-30, Intellectual Disabilities Services, and repeal Chapter 580-5-33, Administrative and Support Requirements for Community Providers of Intellectual Disabilities Services. These proposed changes are intended to streamline and consolidate requirements and replace language deemed outdated and inappropriate current professional standards of practice. All requirements recommended for deletion from the Administrative Code shall be adopted in ADMH Policies and/or in DDD Operational Procedures as appropriate.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person or by electronic means to Debbie.popwell@mh.alabama.gov until and including November 4, 2020. Persons wishing to submit data, views, or arguments orally should contact Ms. Popwell by telephone at (334) 353-2069 during this period to arrange for an appointment.

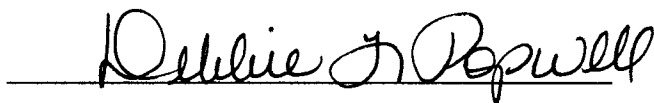
FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 4, 2020

CONTACT PERSON AT AGENCY:

Persons wishing a copy of the proposed may contact Debbie Popwell, Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130.

(334) 353-2069

A copy of the proposed change is available on the department's website at <http://mh.alabama.gov>. Click on Provider Portal and then Certification to find code with changes.



(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

580-5-30-.10 Contracted Intellectual Disabilities Services.

(1) The DMH contracts directly with public and private agencies and with individual service providers. Contracts adhere to the provisions of Alabama Act 881 and with Act 310.

(2)(1) Policies and Procedures of Contracted Service Providers, and Evidence of Effective Implementation in Practice. The DDD Division of Developmental Disabilities (DDD) will ensure the organization has written policies and procedures that are being effectively implemented in such a way as to assure the health, safety and individual security of individuals receiving services and supports.

~~Services that are contracted through the Department are monitored and evaluated by various departments and offices governing the contract funding source. However, it is the responsibility of the DDD and the Regional Community Services Offices to monitor contracted services to assure that individuals receive appropriate care, supervision and treatment. This monitoring and technical assistance responsibility will be on-going, but will include at least annual on-site reviews by qualified professionals.~~

~~(1) (3) The purpose of the certification site visit will be to assure that the provider is practicing sound management, providing quality services to individuals, complying with the DMH contract, DMH Standards and the DMH Administrative Code for Services to individuals with Intellectual Disabilities. Emphasis will be placed on the safety and well-being of the individuals serviced, monitoring the delivery of services and supports as identified in the person-centered plan, and ensuring that documentation and other record keeping tools, including but not limited to progress notes, data sheets, personnel files and operational procedures, substantiate a systematic approach to the delivery of quality services and supports to individuals.~~

(a) The organization's written policies and procedures will be approved, reviewed, and updated by the governing board, as appropriate but at least annually and available to all employees and individuals receiving services and supports. All employees will be trained on the policies and procedures including what constitutes effective and appropriate implementation of each policy and procedure.

(b) The DDD will ensure the organization's policies and, procedures, as well as evidence of implementation, actively promote and support strength based and person-centered planning as the foundation of assessment, planning, service authorization, service coordination, and service delivery as follows:

(i) Strength based recognizes all individuals possess unique abilities and attributes that will benefit them in the achievement of goals and independence.

(ii) Person-centered focuses on the combination of strengths, needs, and community of supports for each individual in determining strategies to complement and assist in the attainment of goals for each individual to live the life of their choice.

(iii) Service delivery includes paid and unpaid services by service providers, friends, family, and other natural support networks.

(2) Promotion and Protection of Individual Rights. The DDD will ensure the organization effectively and consistently implements a policy and procedure that clearly defines its commitment to and addresses the promotion and protection of individual rights afforded all citizens by the constitution and laws of the Country and State of Alabama.

(3) Dignity and Respect. The DDD will ensure the organization's policies and procedures, and implementation of these, reflect and reinforce the use of courteous practices towards individuals.

(4) Natural Support Networks. The DDD will ensure the organization has policies and procedures, as well as effective practices implementing such policies and procedures, that define natural supports and acknowledge the importance of natural supports in promoting identity, individual security and continuity for individuals served by the organization. Natural supports include families and friends as well as community resources such as local organizations, clubs, places of worship, schools or other places where new and existing relationships can be built and facilitated outside of the organization.

(5) Protection from Abuse, Neglect, Mistreatment and Exploitation. The DDD will ensure all organizations implement a Community IPMS to protect individuals served and improve the organization's responsiveness to incidents in order to ensure the prevention of harm and use of an effective approach to risk management that takes appropriate account of dignity of risk. Policies and procedures, and practices associated with their implementation, must be consistent and comply with requirements of the Community IPMS. These policies and procedures, and practices associated with their implementation, identify, define, prohibit, and prevent abuse, neglect, mistreatment, including unauthorized use of restraints, coercion and exploitation. Definitions are comprehensive, specific, and consistent with

Community IPMS definitions.

(6) Best Possible Health. The DDD will ensure organizations develop and implement policies and procedures, and effective practices:

- (a) That support individuals' health needs.
- (b) That assure medication procurement, destruction, administration, and storage are in full compliance with the Alabama Board of Nursing's Regulation 610-X-7-.06.

(7) Safe Environments. The DDD will ensure organizations have policies and procedures, and effective practices implementing such policies and procedures, relating to safe environments, including ensuring safety in integrated community settings where services are provided. Certified settings must be designed and maintained to be accessible, safe, and sanitary for individuals. Safety supports are available to the extent they are needed and based on required functional and risk assessments.

(8) Staff Resources and Supports. The DDD will ensure the organization develops policies and procedures on recruiting and hiring staff in accordance with all applicable local, State and Federal requirements.

(9) Positive Services and Supports. The DDD will ensure organizations have policies and procedures, and effective practices implementing such policies and procedures, that address the positive implementation of services and supports for the individuals they support, focused on the expectation that every individual is capable of learning and growing and every individual has strengths that can be built upon to facilitate the individual's ability to achieve, not solely pursue, their desired goals and outcomes.

(10) Continuity and Personal Security. The DDD will ensure organizations develop policies and procedures, and effective practices implementing such policies and procedures, that address:

(a) The overall requirements of the governing body, business, and administrative supports of the individuals they provide services to.

(b) The fiscal practices in support of individuals managing, accessing and controlling their personal funds and other personal resources through the provision of education, training and support.

(c) Their business practices, which includes maintaining a record of information promoting continuity of services and security of individual information, in support of individuals served.

(11) Quality Improvement System. The DDD will ensure the organization has a system of internal compliance and quality monitoring that measures compliance with contractual and certification requirements, as defined by DDD, and that measures performance on quality measures defined by DDD. Measures will ensure compliance with the federal HCBS Rule, and for Support Coordination contracted providers, will also ensure compliance with federal regulations for person-centered planning.

(12) Support Coordination.

(a) The DDD will ensure the organization has a system of support coordination that complies with minimum requirements established by the DDD. All Support Coordination agencies must maintain these requirements in order to operate within the state of Alabama as a Support Coordination Agency provider. The requirements are delineated in the provider operational procedures manual, contracts, and certification standards.

(b) The DDD will develop, implement, and monitor effective person-centered planning practices which will minimally include the following:

(i) Use of community-based service delivery.

(ii) Assessment resources and procedures.

(iii) Person-centered plan aligning assessment results with paid and natural services and supports identified to support individuals.

(iv) Back-up and contingency planning.

(v) Procedures Service Coordinators use to ensure the protection of rights for individuals, prevent abuse of individuals, and detect and report fraud, waste, and abuse.

(vi) Procedures for the development, implementation, and monitoring of Behavioral Support Plans.

(vii) Procedures for crisis planning and intervention.

(c) Person-centered planning practices will comply with all

applicable Medicaid Waiver and HCBS rules.

Author: Division of Developmental Disabilities (DMH)

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: **Amended:** Filed February 4, 2005; effective

March 11, 2005. **Amended:** Filed January 17, 2011; effective

December 21, 2011. **Amended:** Filed August 26, 2019; effective

October 10, 2019. **Amended:** Filed September 18, 2020.